

10 November 2009

Sri Lanka:

Continuing humanitarian concerns and obstacles to durable solutions for recent and longer-term IDPs

The protracted armed conflict in Sri Lanka between government forces and the Liberation Tigers of Tamil Eelam (LTTE) ended in May 2009. The final intense stages of combat were conducted predominantly in the northern LTTE-controlled Vanni region.

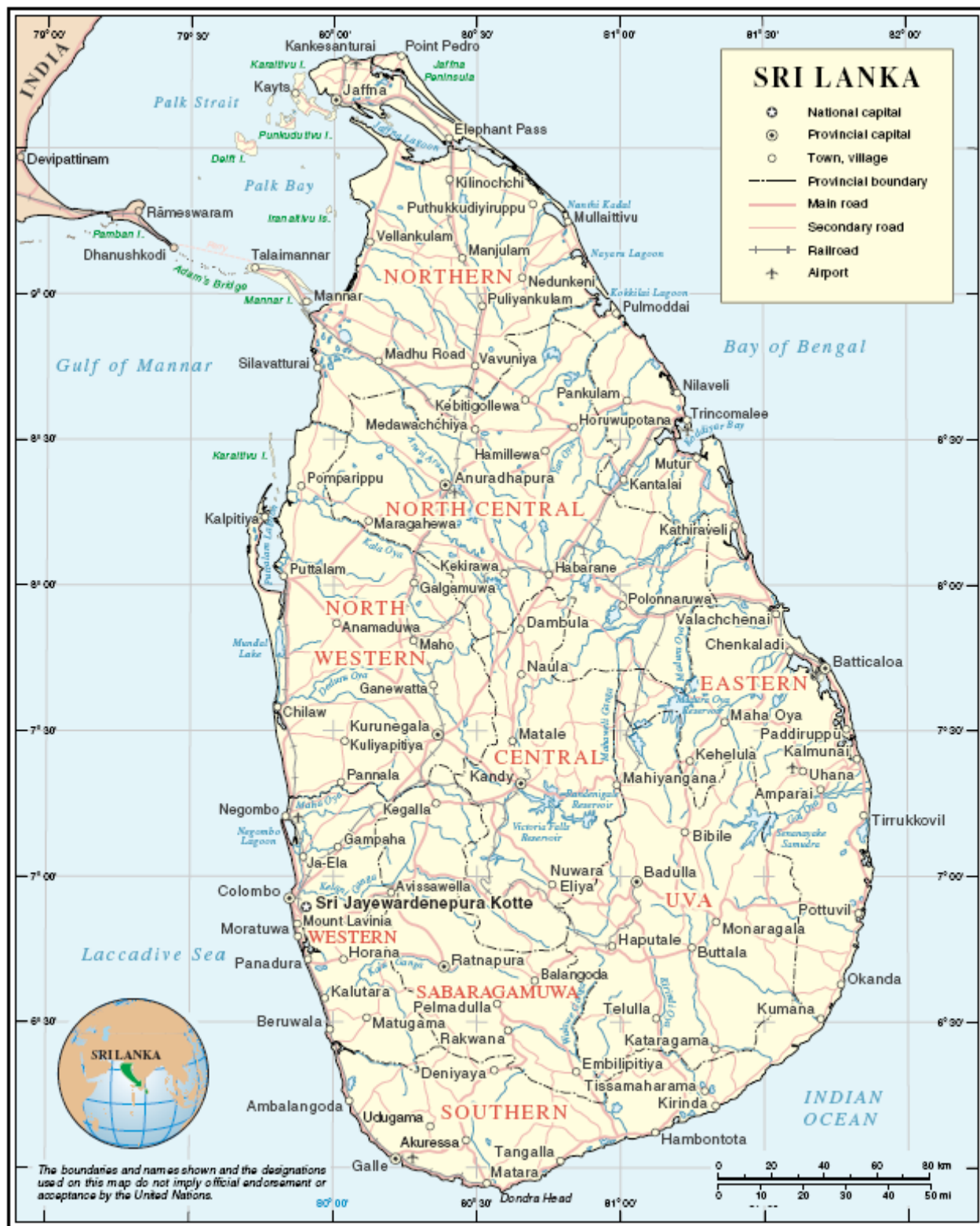
Between October 2008 and June 2009, more than 280,000 people fled to government-controlled territory, and as of October 2009, the vast majority of these internally displaced persons (IDPs) remained in closed military-run internment camps in the districts of Vavuniya, Mannar, Jaffna and Trincomalee. The government justified this internment by the need to demine IDPs' areas of origin and screen displaced civilians to identify LTTE combatants. Some elderly or vulnerable people were initially allowed to leave, but although many IDPs had relatives in the region who they could stay with, only in October did unconditional releases and returns start for significant numbers.

Conditions in the camps, many of which were set up for the short-term, are poor with severe overcrowding. The worst situation has been at Menik Farm camp which in June 2009 was holding 220,000 IDPs. The restrictions on freedom of movement have led to protection problems for the displaced and tensions with security forces. Humanitarian access to IDPs in the closed camps has remained limited and the procedures for entry have been ill-defined. The government had pledged to release between 70 and 80 per cent of the people in the camps by the end of 2009, but there is general agreement among the international community that although the pace of release and returns has increased recently, the target remains unrealistic given the extent of de-mining and reconstruction needed in return areas. Furthermore, as observed by UN Secretary General Ban Ki-moon, the failure to rapidly resettle IDPs could result in growing bitterness among the Tamil community and undermine the prospects of rehabilitation.

There are also thousands of IDPs in Jaffna in the north and Trincomalee in the east who have been displaced since before 2008, as their areas of origin were designated as "High Security Zones". Given the military victory over the LTTE, it is unclear why these zones remain in place. People also remain displaced in the east due to the occupation of their homes or land by the army and police.

Over 60,000 Muslim IDPs displaced by the LTTE from the north and north-west have been living in the town of Puttalam since 1990. With the end to conflict, the older generation of IDPs is keen to return but the newer generation, which has not known life outside the camps and the region, is uncertain about this option. Any eventual return would pose significant problems due to secondary occupation of homes and other housing, land and property issues.

Map of Sri Lanka



Map No. 4172 Rev. 2 UNITED NATIONS
January 2007 (Colour)

Department of Peacekeeping Operations
Cartographic Section

Source: UN Cartographic Section
More maps are available on <http://www.internal-displacement.org>

Background

Internal armed conflict broke out in Sri Lanka in 1983 between government forces and the Liberation Tigers of Tamil Eelam (LTTE) over the issue of political rights for the country's Tamil minority. In 2002 the two parties agreed to a cease-fire, but by mid-2006 full-scale conflict had resumed, and within a year the LTTE had lost all the territory it had controlled in the east. In 2008 the fighting shifted to the northern Vanni region which remained under LTTE control.

By early 2009, government forces were close to victory but the conflict had led to a major humanitarian crisis in the north. Hundreds of thousands of civilians were trapped between government and LTTE forces in shrinking areas under LTTE control, and grave violations of international humanitarian and human rights law were committed by both sides. While the LTTE forced thousands of civilians to fight and physically prevented people from fleeing the war zone, the Sri Lankan army repeatedly bombarded densely-populated areas, including in its unilaterally-declared "no-fire zone." With the LTTE refusing international calls for a negotiated surrender, the government ignored the calls of the United Nations (UN) and foreign governments for a pause in the fighting to allow humanitarian agencies to assist civilians and facilitate their evacuation (ICG, 1 October 2009).

According to estimates of UN agencies, more than 7,500 civilians were killed and over 15,000 wounded between mid-January and early May 2009 as a result of the conflict in the north. The government declared victory following a final military

offensive in mid-May that may have killed thousands more civilians. With the entire LTTE leadership killed in the fighting, the military phase appeared to be over by June, though some LTTE members remained operative in Eastern Province (ICG, 1 October 2009).

By June 2009, the government was holding nearly 300,000 ethnic Tamils displaced by the conflict in the north in military-run camps, the majority of which were in Vavuniya district. This was despite the fact that a significant number of the internally displaced people (IDPs) had close relatives in the region with whom they could have stayed if they had been permitted to leave the camps (HRW, 11 June 2009). While the Sri Lankan government had reasonable grounds to screen people leaving the war zone to identify and separate former LTTE combatants, this holding policy effectively treated the entire population of internally displaced men, women and children in the north as potential Tamil Tiger fighters (HRW, 11 June 2009).

In August 2009, three months after the end of fighting, local government elections were held in the northern towns of Jaffna and Vavuniya, which are mostly inhabited by ethnic Tamils. Voter turnout was low, but the Tamil National Alliance, which had supported the LTTE insurgency, won the most seats in Vavuniya's local government and the second most in Jaffna's (AP, 10 August 2009). This was perceived by some commentators as a sign of growing anger among northern Tamils at the government's failure to improve their situation after years of conflict. A promised political package to resolve longstanding grievances had not been

delivered, but had been delayed until after a presidential election planned for 2010 (Economist, 13 August 2009).

Most Tamil leaders favour a single majority-Tamil autonomous region in the north and the east of the country that would have authority over most matters except foreign policy, trade and the army. This, however, is not supported by many of the Sinhala Buddhist politicians who make up the core of the current coalition government (AP, 10 August 2009).

Analysts have noted that a sustainable peace would depend on a political settlement that takes into consideration the rights of the minority Tamil and Muslim communities, both of whom have suffered in the civil war. The respect for the rights of IDPs will be essential for building dialogue and goodwill between the Tamil community and the government (IRIN, 16 June 2009).

Displacement by the conflict from 2008 onwards

Between October 2008 and June 2009, more than 280,000 people crossed from the conflict zone in the north to territory controlled by the government. By early June 2009, almost all of the displaced people were residing in temporary camps, including approximately 260,000 people in camps in Vavuniya district (OCHA, 5 June 2009). All of these new camps were under military control and administration. None of the IDPs in them enjoyed freedom of movement.

Continuing confinement in camps

By the end of August 2009, over 260,000 IDPs were still living in camps and only 6,500 people had been allowed to move

to host families and elders' homes. The majority of those released were elders, people with learning disabilities and other vulnerable people with specific needs. In the month of August, a little over 5,000 people out of the 6,500 had returned to Jaffna, Vavuniya, Mannar, Trincomalee, Batticaloa and Ampara districts (OCHA, 28 August 2009).

The Ministry of Defence, and camp managers who were often retired military officers, were actively involved in deciding whether to grant access to humanitarians or others (AI, 10 August 2009). In many camps IDPs were allowed to leave only for emergency medical care and then frequently only with military escort. In Mannar district's Kalimoddai camp and Sirukandal camp, some people had been granted permission to leave the camps for short periods but had to register with the army twice per day (HRW, 28 July 2009). These IDPs had been in these two camps in Mannar district since March 2008.

By the end of September, some 15,000 IDPs had been released, but nearly 254,000 remained in 21 closed camps in Vavuniya, Jaffna, Mannar and Trincomalee districts. Approximately 3,300 IDPs had been transferred to new closed transit camps in their districts of origin (UNHCR, 29 September 2009). Concern was growing among the international community that the progress in return and resettlement of IDPs from the closed camps was too slow and that there was an urgent need to restore their freedom of movement (IRIN, 30 September 2009).

As of 9 October, the vast majority of the people displaced by the conflict, or over 245,000 people, were still held in closed

camps with armed guards (OCHA, 9 October 2009). According to the government, keeping people interned in camps had been necessary as demining had not taken place in IDPs' areas of origin, and the screening process to identify LTTE combatants was ongoing. However, the International Crisis Group reported that, although demining has not occurred, tens of thousands of IDPs could be released to return to their place of origin or live with host families in towns and villages which were free of mines (ICG, 1 October 2009). In September the foreign minister announced that 162,000 camp residents had been screened (HRW, 9 October 2009) but the number of people released from the camps remained low.

By 6 November, the pace of returns had begun to accelerate and around 90,000 IDPs had been allowed to move back to areas of origin, with 30,000 returning in just the past 10 days. Approximately 163,000 people remained in the IDP camps (UN News Centre, 6 November 2009). There was still no freedom of movement for those who remained in the camps (NRC Sri Lanka, November 2009).

Humanitarian concerns facing IDPs in camps

Many of the camps, which were hastily erected in the final days of the war after thousands fled south from former LTTE-controlled areas, were severely overcrowded by mid-2009. Menik Farm, which was soon the largest IDP camp in the world, was housing over 220,000 IDPs in June. Conditions in the camp were poor, with critical gaps in health services, shelter and the provision of adequate water and sanitation (IRIN, 11 June 2009). In June alone, health officials recorded more than 8,000 cases of diar-

rhoea, as well as hundreds of cases of hepatitis, dysentery, and chickenpox (HRW, 28 July 2009).

The overcrowding undermined attempts to meet Sphere standards, especially for water, sanitation and hygiene. More than three months after the conflict ended, Zone 2 of Menik Farm continued to hold close to 55,000 people, almost double its planned capacity. In some parts of the camp, a single latrine designed for 20 people was serving up to 80 people, and up to 14 people were in tents designed for five people (IRIN, 24 August 2009). UN agencies and NGOs have estimated that for Menik Farm to meet Sphere standards in service provision it can accommodate no more than 160,000 IDPs (USAID, 30 September 2009).

Heavy rains in mid-August flooded four zones in Menik Farm (The Sunday Leader, 20 September 2009) and destroyed tents and other shelter, made cooking impossible for many, and caused roads to collapse, preventing the delivery of crucial aid such as drinking water. Conditions were expected to worsen in all the camps with the onset of the monsoon season, as the sites were not equipped to deal with heavy rains, and the emergency tents or shelter kits in which most IDPs were living were designed to last only from three to six months. The monsoon rainfall was expected to flood the low-lying areas of the camps and pose threats to IDPs' health and safety (UNHCR, 29 September 2009).

The overcrowding in camps has also denied women and girls privacy and enabled abuse (UNRC's Office, May 2009). Up to 12,000 people, including children, have

been taken from the camps as suspected former LTTE combatants and transferred to special “rehabilitation centres”. This screening process has been conducted outside of any legal framework and since July the International Committee of the Red Cross (ICRC) has had no access to the people concerned. Dozens of other people have also been detained by security forces in the camps, apparently for their alleged links to the LTTE, and children have been among their number. Given the background of large-scale disappearances in Sri Lanka, there have been grave fears that some of the reported incidents of children being removed from IDP camps may represent enforced disappearances (Coalition to Stop Use of Child Soldiers, 28 July 2009).

There have been reports of security incidents inside the camps. UNHCR expressed concern following one incident on 26 September in Menik Farm, when security forces reportedly attempted to stop a group of IDPs from moving between two zones. The IDPs attacked the guards and security personnel reportedly fired on the group, injuring some of them. Several people were reportedly detained after the disturbance, including two children (UNHCR, 29 September 2009).

In addition to the lack of freedom of movement, the displaced population’s access to information has also been severely restricted. IDPs have little or no access to information about the duration of their stay in camps or the process and timetable for return and resettlement.

Displacement caused by the conflict before 2008

Displacement continues in parts of Sri Lanka due to the establishment of “High Security Zones” (HSZs) or buffer zones around military installations, which have been set up since the 1980s. The majority of the HSZs are in Jaffna in the north; none of these have been gazetted and consequently they exist outside of any legal framework. Civilians living in an HSZ are forced to move and those dependent on the area for livelihoods such as fishing and farming must seek other work.

Estimates of the number of people displaced by HSZs vary. According to the Jaffna district secretariat, almost 9,000 people from HSZs were living in IDPs camps in November 2005 and a further 60,000 people were living with friends and families. Other estimates have put the number displaced by the HSZs in Jaffna closer to 130,000 (COHRE, April 2009).

Eastern Province

Although the government claimed to have restored normality after taking over control of the Eastern Province in 2007, people from the Sampur area of Trincomalee district who had been displaced by conflict have been unable to return as their land was designated as a HSZ in May 2007.

In 2008, the Trincomalee HSZ was reduced in size and a phased return took place to areas no longer included, with as many as 8,400 IDPs returning to their

land by August 2009. However, the four Grama Niladhari (GN) administrative divisions of Sampur East, Sampur West, Koonativu and Kadarkaraichenai have remained within the HSZ and over 6,000 people are unable to return. They have now been displaced for over two and a half years (CPA, September 2009). A significant number of the IDPs affected by the HSZ have been living in camps and transit centres such as Killivetti, where the government forced them to relocate in 2007 (COHRE, April 2009).

Given the military victory over the LTTE, it is unclear why an extensive area covering four divisions has to be taken up by the HSZ or even why HSZs remain in place in a post-conflict context (CPA, September 2009). The establishment of a “Special Economic Zone” and government plans to build a coal-fired power station in the same area, have also caused the continued displacement of IDPs. Little discussion has taken place with affected communities on what compensation and restitution they will receive as a result of this government land acquisition (NRC Sri Lanka, November 2009).

The government’s plan for a durable solution for this affected population includes a package to relocate them to newly identified land in Trincomalee district. However, most IDPs have rejected the proposal as they believe the land and area are insecure and unsuitable for livelihoods (NRC Sri Lanka, November 2009). Some have stated that they are willing to continue to live in displacement in transit centres rather than relocate, provided they are able to return to their original land and property in the future. Decisions related to the HSZ in the

east are being taken by the central government, and local actors including the IDPs themselves have not been involved or consulted (CPA, September 2009).

Non-gazetted HSZs and buffer zones around military and police camps have proliferated in Trincomalee and continue to prevent people from returning to their place of origin (NRC Sri Lanka, November 2009). People also remain displaced in the east due to the occupation of their homes or land by the army and police for private housing and public security use. In many instances, IDPs returned to areas of origin on the understanding that they would be able to go back to their former homes. However, a survey of secondary occupation in just Muttur division of Trincomalee district revealed that over 350 houses remained occupied; and high rates of secondary displacement have also been reported from Eachalampattu in Trincomalee and Kiran in Batticaloa (COHRE, April 2009).

Fears run deep among Tamils and Muslims in the east over government schemes to promote settlement of Sinhalese people there. Encouraged by the government, thousands of Sinhalese have been moving to the east to reclaim land from which they or their parents were forcibly displaced by the LTTE. This risks igniting conflict with Tamils and Muslims over land now occupied by them and reinforces the suspicions of minorities, unfounded or otherwise, that the government means to “Sinhalese” the east (Economist, 1 October 2009).

Puttalam

In western Sri Lanka over 60,000 Muslims remain displaced in camps in Puttalam district. The IDPs have been in

this area since 1990, when the LTTE forced them to flee their homes in the northern and north-western districts of Jaffna, Killinochchi, Mullaitivu, Mannar and Vavuniya. Since the end to the armed conflict, older IDPs have become more enthusiastic about returning to their areas of origin and rebuilding their lives there. For the younger generation in Puttalam, who have not known life outside the camps and the region, the possibility of return has limited appeal (Sunday Times, 7 June 2009).

According to Sri Lanka's Minister of Relief, Rehabilitation and Reconciliation, once landmines have been cleared from the former conflict zones, the process of return for IDPs living in Puttalam can begin. Local Muslim leaders in Puttalam want the government to help trace back properties to original owners, as many of the IDPs fled without their documents (BBC, 23 June 2009). A few displaced families from Puttalam returned to the north during the ceasefire years, but had to come back as they could not access their land which was being occupied by Tamil families (Arab News, 30 September 2009), who had often themselves been displaced by the conflict.

The issue of secondary occupation is extremely difficult, although some owners have found compromise solutions with occupants in similar situations in other parts of the country. Under Sri Lankan law, property owners lose their rights over property which someone else has occupied for more than ten years, if the owners have not claimed their land during that period. At this point it is not clear whether the government will waive this requirement for people displaced by conflict given that they had no way of ac-

cessing their land. Furthermore, rebuilding Muslim villages in areas where they have been abandoned would be very costly (ICG, 29 May 2007).

Humanitarian access

A government directive in September 2008 ordered a withdrawal of humanitarian agencies from the Vanni, and UN and humanitarian agencies except the ICRC and Caritas were forced to relocate from the Vanni to government-controlled Vavuniya (IRIN, 16 September 2008). By restricting the access of UN and other agencies to the conflict zone, the government effectively denied urgent humanitarian assistance to civilians and hampered the flow of information. This reduced the ability of both national and international agencies to adequately prepare assistance for what turned out to be a large number of displaced people fleeing the fighting (AI, 10 August 2009).

Even five months after the government had declared victory over the LTTE, humanitarian organisations have not been permitted to access areas beyond the Olanthai crossing point, which divided zones which had been under government control and those under LTTE control during the armed conflict, to assess conditions and reconstruction needs; they have thus lacked independent information crucial to assisting the return and resettlement of the population of the camps (AI, 10 August 2009). Only at the end of October 2009 were UN agencies able to access small parts of Mannar and Mullaitivu where returns were taking place. However, NGOs are still not permitted access and much of the area remains heavily mined (NRC Sri Lanka, November 2009).

The international community has provided tens of millions of dollars to support IDPs in camps and sites in Sri Lanka, but some humanitarian organisations continue to face access restrictions and delays (FMR 33, September 2009), although the situation has improved since earlier months. Humanitarian organisations have noted that the criteria for gaining access to the camps and sites have changed constantly at the whim of local military personnel and individual camp commanders (AI, 10 August 2009).

Many individuals have received permission to visit the camps, either from the Ministry of Defence in Colombo or on an ad hoc basis from the army personnel at the entrance to camps, but the procedures have been ill-defined. Relief workers who have entered the camps have reported that speaking privately with displaced people remains difficult. The practice of restricting relief workers from talking directly to IDPs inside the closed sites has not only prevented humanitarian agencies from undertaking needs assessments, but also increased people's feelings of isolation and insecurity (AI, 10 August 2009).

In mid-2009, ICRC announced the closure of four offices in eastern Sri Lanka following a government order to foreign aid agencies to scale down operations (AFP, 20 July 2009). The agency has not been able to visit the IDP camps in the north since July (ICG, 1 October 2009).

National and international responses

The government has maintained that its focus is on IDP returns and that it will allow 70 to 80 per cent of the people in the camps to return by the end of 2009. The pace of progress, however, has been very slow and aid workers in the north have expressed concern that some of the facilities being erected in the camps appear more permanent than temporary (IRIN, 21 July 2009).

The army has reportedly blocked attempts by civilian administrators to release more IDPs. Since the end of the war, thousands of IDPs in the camps have been subjected to "screening processes" by security forces. The government widely publicised releases from the camps in August and September when many of those released were simply transferred to other closed camps where they were subject to further screening by local authorities (AI, 8 October 2009).

International donors have provided almost \$200 million to assist in humanitarian efforts for IDPs in the camps. This includes over \$155 million to projects detailed in the Common Humanitarian Action Plan (CHAP) (Daily Mirror, 1 October 2009). However, donors such as the USA have called on the government to allow IDPs in the closed camps to move freely around the country (AFP, 9 October 2009) while the UK is planning to withdraw all but emergency funding for the IDP camps once the monsoon season is over (BBC, 6 October 2009).

A number of representatives of UN agencies with political, humanitarian and human rights mandates have expressed grave concerns over the situation of IDPs in the camps in Sri Lanka. In May 2009, UN Secretary-General Ban Ki-moon visited Menik Farm and called for better humanitarian aid after interviewing some of the IDPs regarding shortages of water and medicine, and urged the government to grant unrestricted access to humanitarian organisations (CNN, 24 May 2009).

The following month, Under-Secretary-General and Emergency Relief Coordinator (ERC) John Holmes called upon the government to ease restrictions on the freedom of movement of IDPs (USAID, 12 June 2009). In mid-September the ERC stated that the UN was “extremely frustrated” with the lack of progress in various areas, and the organisation was concerned about the military nature of the camps, the lack of freedom of movement, and lack of progress with regard to early return, political reconciliation and the process of accountability (Daily Mirror, 17 September 2009).

In the statement to the Human Rights Council, the UN High Commissioner for Human Rights Navi Pillay noted that civilians displaced in the final stages of the war had been effectively detained under conditions of internment. She expressed further concern that humanitarian agencies’ access to these camps remained restricted, and that the mandates of relief agencies were increasingly coming under threat (BBC, 14 September 2009).

Walter Kälin, the Representative of the Secretary-General on the human rights of internally displaced persons (the RSG) visited Sri Lanka twice in 2009 and noted that while international law allows for internment during the height of conflict if legitimate and imperative security concerns exist, it must not last longer than absolutely necessary to respond to those security concerns. Internment decisions must further be made on an individual rather than a group basis. The RSG urged the government to take prompt action in light of these standards and the need to properly balance security concerns with the rights of IDPs (UN News Centre, 29 September 2009).

UN Secretary-General Ban Ki-moon has stressed that failure to rapidly return the IDPs and prolonging their suffering under harsh conditions in the camps could result in growing bitterness. The SG has discussed with the Sri Lankan government the importance of winning the trust and confidence of the population in the north, especially those in the IDP camps, as failure to do so could undermine the prospects for reconciliation. He has also stressed the need for a serious, independent and impartial investigation of alleged violations of international law during the conflict as a critical part of building peace in Sri Lanka (UN News Centre, 28 September 2009).

Note: This is a summary of IDMC’s new internal displacement profile on Sri Lanka. The full profile is available online [here](#).

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

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